

Confidential Placements

(Revised 06/08/18)

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Forms

The following form is referenced in this file:

04-278 Foster Parent Release of Confidential Address

Statute

The W&I Code (§305, 307.4) requires that the parent, guardian or responsible relative be immediately informed when the child is taken into protective custody.

W&I Code §308 requires the SW to notify the parent, guardian or responsible relative that the child who has been taken into protective custody has been placed into a facility authorized by law to care for the child, and shall provide a telephone number at which the child may be contacted. The confidentiality of the address of any licensed foster family home in which the child has been placed shall be maintained until the dispositional hearing, at which time the judge may authorize, upon a finding of good cause, the disclosure of the address.

The County of San Diego Local Rules of Court (Rule 6.1.17) states that for the purposes of W&I Code §308 “foster family home” means the home of any person certified or licensed as a foster parent or approved as a resource family for the detention or placement of children pending or during juvenile dependency proceedings.

Confidential placements

The address of the licensed foster home or resource family home will **not** be disclosed to the parent or the parent’s attorney until:

- The Court makes a “**good cause**” finding to disclose the address at the Dispositional Hearing; or
 - The foster/resource parent authorizes the release of her address (which may be done any time during the placement) by signing the 04-278 form. The SW must document the SCP’s approval in the CWS/CMS Contact Notebook; or
 - The Court orders disclosure because the Dispositional Hearing is delayed. (The Court **must make a “good cause”** finding before the address can be disclosed.)
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Polinsky Children’s Center, GH, STRTPs

PCC, residential group homes (GH) and Short Term Residential Therapeutic Programs (STRTPs) addresses are **not** confidential.

Following detention in PCC, parents must be notified of their children’s whereabouts as soon as reasonable.

Non-disclosure of address by child

If appropriate, the SW will need to help the child who is old enough to reveal the foster parent’s address to understand that he is not to disclose the address of the foster home.

CWS/CMS procedure

| If... | Then the SW will... |
|--|---|
| the existing placement is already considered confidential, | <ul style="list-style-type: none">• Ensure the SCP’s address does not appear in court reports.• For Review Hearings, check the Confidential Address box on the Notice of Review Hearing Worksheet. |
| placement is new, | <ul style="list-style-type: none">• Inform the SCP about the right to have their address remain confidential.• Ensure the address does not appear in the court reports.• Ensure the address remains confidential when noticing.• Inform the SCP that if they choose to waive confidentiality, they will have to complete a 04-278 form and give them a copy.• If signed by the SCP, provide a copy (attached to court report) of the release at the next court hearing.• Inform the child’s attorney and any CASA about the release within three court days. |

NOTE: The SW will also have to:

- Record a confidential placement in CWS/CMS on the ID page of the Client Notebook.
 - Update CWS/CMS when the placement is no longer confidential.
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SCP waives confidentiality

Per San Diego County Superior Court Local Rules (Rule 6.1.17), the SCP (foster parent or resource parent) may at any time authorize the release of their address, thereby waiving the confidentiality of their home. This authorization is required to be in writing, personally signed and dated by the foster parent and must include a statement that the foster parent is aware of the confidentiality provisions of the law and is voluntarily waiving them.

The SW will file this authorization under the Placement tab in the file.

If the foster parent requests to waive their confidentiality, the SW will:

- Provide the foster parent with the 04-278 form.
 - Inform the child’s attorney and CASA (if any) about the authorization to release confidentiality of the home’s address within 3 court days of receiving the signed form.
 - Provide a copy of the 04-278 at the next court hearing.
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SCP waives confidentiality (cont.)

The authorization will not go into effect for a period of seven days unless both the SW and the child’s attorney concur that the waiver of confidentiality will not endanger the child’s safety, protection, physical or emotional well-being.

At any time prior to the seven days, the SW or the child’s attorney may apply to the Juvenile Court via ex-parte, with verbal notice to all parties, for an order directing that the address of the foster home remain confidential and the reasons.

The SCPs may withdraw their authorization at any time before the actual release of the address of their home. Such withdrawal will not be effective unless the SW is informed about the withdrawal.

Change of placement

When a child moves to another foster/resource home, the SW will ensure the home address does not appear on any document going to the Court.

Court reports

Prior to the Dispositional hearing or the “good cause” finding, the SW will discuss the child’s status in the information that is distributed to those who usually receive court reports.

When a placement is confidential, the SW will not include the SCP’s name, address, or phone number on any paperwork given to the parent or parent’s attorney. It will not be in the court report nor on any attachments to the court report.

- The SW will write the child’s address on a separate page. The Court Officer will give that page to the child’s attorney, the Court and, if ordered to disclose by the Court at Dispo, the parents’ attorney.
- The child’s attorney is to be informed of the child’s whereabouts at all times.
- The CWS/CMS Detention Hearing Report and the J& D report **will not** include the address of the foster home.

NOTE: If a foster/resource family home’s address does populate onto a document, then the SW will:

1. Delete the address from the document
 2. Reprint the document, and
 3. Mark the **Confidentiality in Effect** box on the ID page of the child’s Client Notebook, to ensure the address does not populate in the future.
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Visitation

Withholding the SCP’s address does not preclude visitation between the parent and the child. Arrangements will be made for visits at another site.

Relatives’ homes

Relatives’ homes regardless of their approval status are considered confidential. This means the relatives’ address will not be disclosed. Relatives may waive their confidentiality by signing the 04-278.

Alignment with SET

This policy supports SET [Value 2](#): Collaborative Partnerships With Kinship and Resource Families by exhibiting clearly defined, respectful working relationships with kinship and resource families and [Value 4](#): Shared Responsibility With Community Partners by maintaining open communication and transparency with families and community partners.
